THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION Nos.21640 OF 1995 and 22283 OF 1996

DATED: 17-10-2006

WP.No.21640 of 1995

BETWEEN

Sri Jagini Textiles, Prakasham Bazar,
Nalgonda, Rep. by its Proprietor,
Jagini Kushalaiah.

…PETITIONER

AND

Government of Andhra Pradesh,
Rep. by its Principal Secretary to Government,
Labour Employment and Training Department,
Government of Andhra Pradesh, Secretariat,
Buildings, Hyderabad and others.

…RESPONDENTS

WP.No.22283 of 1996

BETWEEN

Jagini Textiles, Prakasham Bazar,
Nalgonda, Rep. by its Proprietor,
Jagini Kushalaiah, S/o. Ramulu.

…PETITIONER

AND

The Authority under Section 50 of
A.P. Shops and Establishment Act
and Labour Officer, Nalgonda and others.

…RESPONDENTS

COMMON ORDER:

These two writ petitions have been filed questioning the action of the Labour Officer/Appellate Authority under Section 53 of the Act and Assistant Commissioner of Labour, Nalgonda in entertaining the minimum wages applications contending that they have no jurisdiction to entertain any claims under the Minimum Wages Act, 1948.

Counter has been filed stating that the Government of Andhra Pradesh issued notification in exercise of powers conferred by virtue of Sub-section (1)(2) of Section 20 of the Workmen's Compensation Act, 1923 notifying the Labour Officers as Commissioners under the Workmen's Compensation Act to hear and decide the claims arising under the Workmen's Compensation Act in G.O.Ms.No.149 dated 12.10.1991 along with other officers. The said notification was published in the A.P. Gazette Part I-IV dated 23.01.1992 at pages 94 to 96. It is also stated that the Government of Andhra Pradesh issued notification by virtue of powers conferred under Sub-section (1) of Section 20 of Minimum Wages Act, 1948 in G.O.Ms.No.126 Women Development and Child Welfare and Labour (Labour II) dated 19.08.1992 notifying all the Commissioners appointed under the Workmen's Compensation Act, 1923 as the authorities under the Minimum Wages Act to hear and decide the claims arising under the Minimum Wages Act. It is further stated that the said notification was published in A.P. Gazette Part – I No.338 dated 26.09.1992.

In view of the aforesaid notifications, I am of the opinion that the Labour Officers in the entire State of Andhra Pradesh are the authorities under the Minimum Wages Act to hear and decide the claims arising under the Minimum Wages Act. Therefore, the Labour Officers are entitled to decide the applications filed before the authorities under the Minimum Wages Act.

The writ petitions are devoid of merit and they are accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

October 17, 2006
DSK